

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BERNARD BARNES and GENERAL SERVICES ADMINISTRATION,
PUBLIC BUILDINGS SERVICE, Fort Worth, Tex.

*Docket No. 96-937; Submitted on the Record;
Issued January 13, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant has established a recurrence of disability causally related to his September 16, 1977 employment injury.

In the present case, the Office of Workers' Compensation Programs accepted that appellant sustained a right lower back contusion in the performance of duty on September 16, 1977. Dr. Thomas E. Rapp, an orthopedic surgeon, indicated in a report dated November 2, 1977 that appellant was released to full duty on November 14, 1977.¹ On July 2, 1995 appellant filed a notice of recurrence of disability. Appellant did not provide a date of recurrence, but stated that he had never recovered from his back injury. By decision dated November 24, 1995, the Office denied the claim on the grounds that the medical evidence was insufficient to establish the claim. In a decision dated December 20, 1995, the Office denied merit review of the claim.

The Board has reviewed the record and finds that appellant has not established a recurrence of disability.

A person who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable, and probative evidence that the disability for which he claims compensation is causally related to the accepted injury. This burden of proof requires that a claimant furnish medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, concludes that the disabling condition is causally related to the employment injury and supports that conclusion with sound medical reasoning.²

¹ The record indicates that appellant's temporary appointment was terminated on September 30, 1977.

² *Robert H. St. Onge*, 43 ECAB 1169 (1992); *Dennis J. Lasanen*, 43 ECAB 549 (1992).

The medical evidence submitted in this case does not constitute probative evidence on the issue presented. There is a treatment note dated April 12, 1995 from a Dr. L. Bautista indicating that appellant complained of chronic neck, back, and foot pain, without discussing a prior employment injury. None of the medical evidence of record provides a history of the employment injury or an opinion that appellant continued to have a condition or disability causally related to the employment injury. It is, as noted above, appellant's burden to submit reasoned medical evidence establishing the recurrence of a disabling condition causally related to the employment injury. The Board finds that appellant has not met his burden in this case.

The decisions of the Office of Workers' Compensation Programs dated December 20 and November 24, 1995 are affirmed.

Dated, Washington, D.C.
January 13, 1998

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member